

September 13, 2004  
8:00 p.m.

Auburn Hills Golf Course Clubhouse  
443 S. 135<sup>th</sup> West

***MEET THE MANAGER RECEPTION PRECEDING THE MEETING***  
***6:00 – 8:00 P.M.***  
***PUBLIC INVITED***

**DISTRICT V ADVISORY BOARD  
MEETING AGENDA**

**ORDER OF BUSINESS**

Call to Order

Swearing into Oath of Office

Approval of Minutes for August 2, 2004

Approval of Agenda for September 13, 2004

**Staff Reports**

**1. Community Police Report**

Community Police Officers for District V will report on specific concerns for beat areas.

**Recommended Action: Receive and file**

**New Business**

**Planning Items**

**2. CON2004-35, DP-50 Amendment #5 - Carriage House Plaza**

Scott Knebel, Planning, will present information on a request to amend Parcel 2 to permit a nightclub. The subject property is located north of Kellogg and east of Tyler (600 S. Tyler, Suite 226).

**Recommended Action: Recommend Council approve petition subject to staff recommendations**

**Public Works**

**3. Paving Petition**

Public Works staff will present a resident petition to pave Firefly Drive and Azure Lane in Whistling Walk Estates Additions (south of 13<sup>th</sup> & west of 119<sup>th</sup> West)

**Recommended Action: Recommend Council approve petition**

### **Public Agenda**

*This portion of the agenda provides an opportunity for citizens to present items not shown as part of the regular meeting agenda.*

#### **4. Scheduled items**

#### **5. Off-agenda items**

**Recommendation: Provide comments/assign staff action.**

### **Board Agenda**

#### **6. Updates, Issues, and Reports**

Report on any activities, events, or concerns in the neighborhoods and/or District V.

##### **Council Member Martz**

Issues/updates

##### **DAB Members**

Concerns/issues/updates

**Recommended Action: Address items, as appropriate.**

#### **Next Meeting**

The next meeting for District Advisory Board V will be scheduled at Auburn Hills Clubhouse at **7:00 p.m. on October 4, 2004** as the regular meeting date on the first Monday of the month.

#### **Adjournment**

## STAFF REPORT

MAPC 9-9-04  
DAB V 9-13-04

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CASE NUMBER: CUP2004-35 (DP-50 Amendment #5)

APPLICANT/AGENT: Infinity Financial – Wichita c/o Rod M. Stewart (Owner); B.W.I. Inc. c/o Charles F. Badeen (Applicant); Gene Razook (Agent)

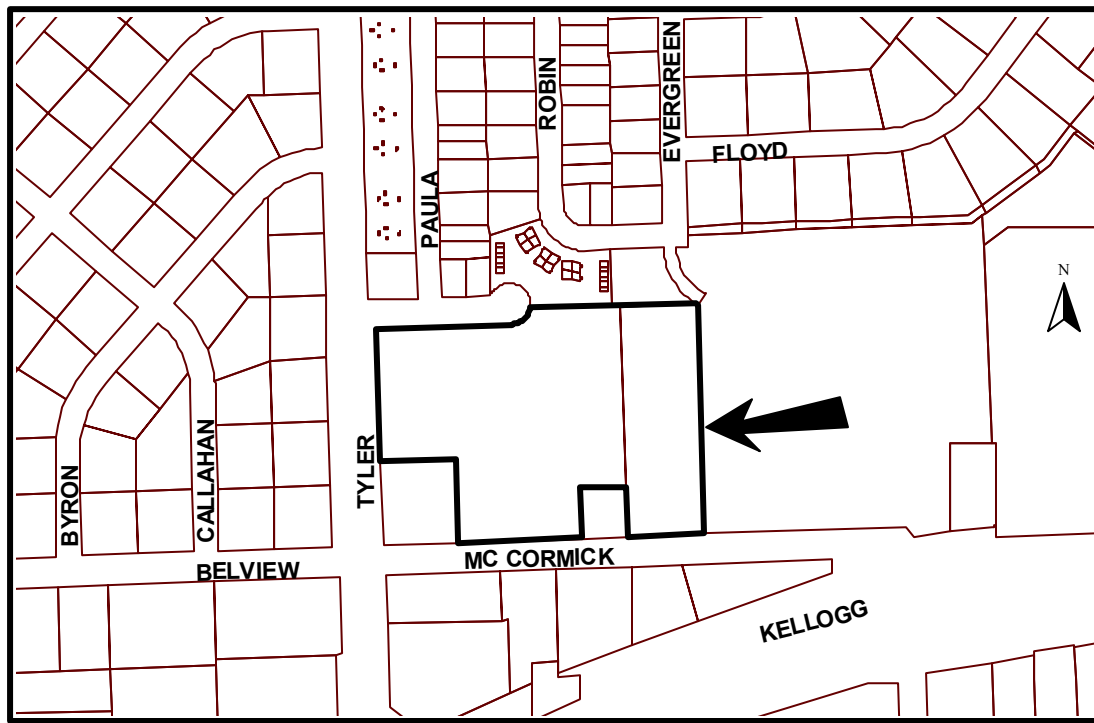
REQUEST: Amendment to Parcel 2 of DP-50 to permit a night club

CURRENT ZONING: “LC” Limited Commercial & “GC” General Commercial

SITE SIZE: 8.51 acres

LOCATION: North of Kellogg and east of Tyler (600 S. Tyler, Suite 226)

PROPOSED USE: Night Club



**BACKGROUND:** The applicant is seeking approval to allow an existing business (Pistachio's) located at 600 S. Tyler, Suite 226 that currently holds dance hall and drinking establishment-restaurant (DE-R) licenses to also obtain a cabaret license. A cabaret license permits an establishment to offer live entertainment, and the applicant proposes to offer live entertainment, primarily in the form of a disk jockey that interacts with the audience. Based upon an interpretation provided by the Superintendent of Central Inspection, businesses holding all three licenses – drinking establishment-restaurant, cabaret and dance hall - are to be treated per the *Unified Zoning Code* as a “night club in the city.”

A “night club in the city” is defined by the *Unified Zoning Code* as an establishment that provides entertainment, which may include the provision of dancing by employees or patrons, and where cereal malt beverage or alcoholic liquor are offered to the public or its members, and which may or may not serve food. “Night club in the city” is a use permitted by right in the “LC” district except when it is located within 200 feet of a church, place of worship, public park, school or residential zoning district. A Conditional Use (or an amendment to a Community Unit Plan) is required if a night club is located within 200 feet of the aforementioned uses or zoning districts. Since subject property is located within 200 feet of a residential zoning district, approval of the proposed amendment of the CUP is required to allow a night club on the subject property.

The existing business is part of an existing retail strip center that is located north of Kellogg and east of Tyler, and is located on Parcel 2 of DP-50 Carriage House CUP. The subject property is zoned “LC” Limited Commercial and “GC” General Commercial, subject to the conditions contained in DP-50, including the development standards for Parcel 2. Surrounding properties are primarily zoned for and developed with commercial uses along the Kellogg corridor. Residential properties are located north of the subject property. The most immediately adjacent residential use is multi-family.

**CASE HISTORY:** DP-50 Carriage House CUP was approved in 1973. Numerous administrative adjustments and amendments to DP-50 have been approved since that time.

#### **ADJACENT ZONING AND LAND USE:**

NORTH:	“MF-29”	Multi-family residential uses
SOUTH:	“LC” & “GC”	Various commercial uses
EAST:	“LC” & “GC”	Home Depot
WEST:	“SF-5”	Church

**PUBLIC SERVICES:** At this location Tyler is a five-lane arterial carrying approximately 17,000 average daily trips. All municipal services are available, and no negative impacts on public services are anticipated to be caused by the proposed amendment.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for “Commercial” development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial

sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. As recommended for approval, the request conforms with the Land Use Guide and Commercial Locational Guidelines of the Comprehensive Plan.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the amendment to Parcel 2 be APPROVED subject to the following condition:

1. A night club shall be permitted on Parcel 2, but shall be limited to a total of 6,100 square feet of gross floor area.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized primarily by commercial uses along the Kellogg corridor with residential uses located to the north. Since the subject property is most immediately adjacent to multi-family residential uses and is located within a major commercial development area, the request is consistent with the zoning, uses, and character of the neighborhood.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: The screening, lighting, and compatibility standards of the Unified Zoning Code, the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance, and the additional recommended provisions of the CUP should limit noise, lighting, and other activity from adversely impacting surrounding residential areas.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for “Commercial” development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. As recommended for approval, the request conforms with the Land Use Guide and Commercial Locational Guidelines of the Comprehensive Plan.
4. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

**City of Wichita  
District V Advisory Board Meeting  
September 13, 2004**

**TO:** City Council Member  
District Advisory Board Members

**SUBJECT:** Petitions to pave Firefly Drive and Azure Lane in Whistling Walk Estates Additions (south of 13th, west of 119th Street West)

**INITIATED BY:** Department of Public Works

**AGENDA:** New Business

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**Recommendations:** Approve the Petition.

**Background:** Two paving Petitions have been submitted for streets in Whistling Walk Estates Additions. The signatures on a Petition to pave all streets in the Whistling Walk Estates neighborhood represent 27 of 52 (51.92%) resident owners and 41.15% of the improvement district area. In addition, a Petition has been submitted that would only pave Firefly Drive and Azure Lane in the area immediately south of 13th to the bridge over the floodway south of 13th. The signatures on that Petition represent 22 of 37 (59.46%) and 49.31% of the improvement district area.

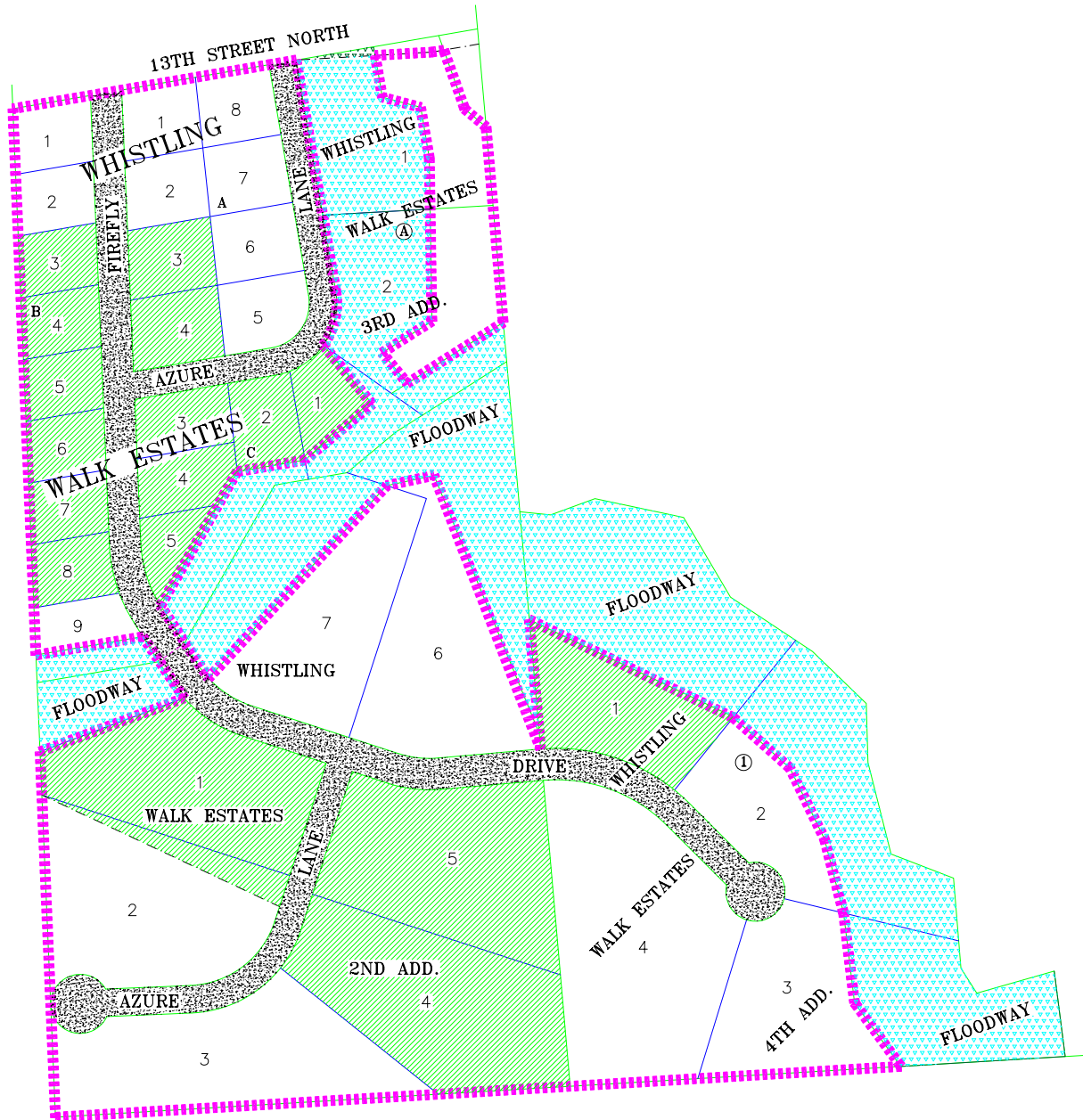
**Analysis:** The project will provide paved access to a developed residential area on the west side of Cowskin Creek, south of 13th.

**Financial Considerations:** The estimated cost to pave all streets in the Whistling Walk Estates neighborhood is \$768,000, with \$746,256 assessed to the improvement district and \$21,744 paid by the City-at Large. The City share is for the cost of intersection construction. The funding source for the City share is General Obligations Bonds. The method of assessment is the fractional basis. The estimated assessment to individual lots is \$14,647 or \$31,957, depending on the location of the lot. The estimated cost to pave Firefly and Azure between 13th and the floodway bridge is \$386,000, with \$375,320 assessed to the improvement district and \$10,680 paid by the City-at-Large. The method of assessment is the fractional basis. The estimated assessment to individual lots is \$14,388.

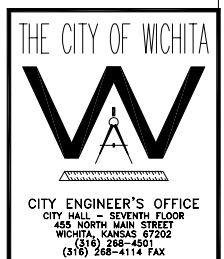
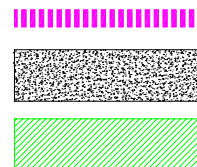
**Legal Considerations:** State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

**Recommendation/Actions:** It is recommended that the District Advisory Board recommend approval of the Petition to pave all streets in the Whistling Walk Estates Additions.

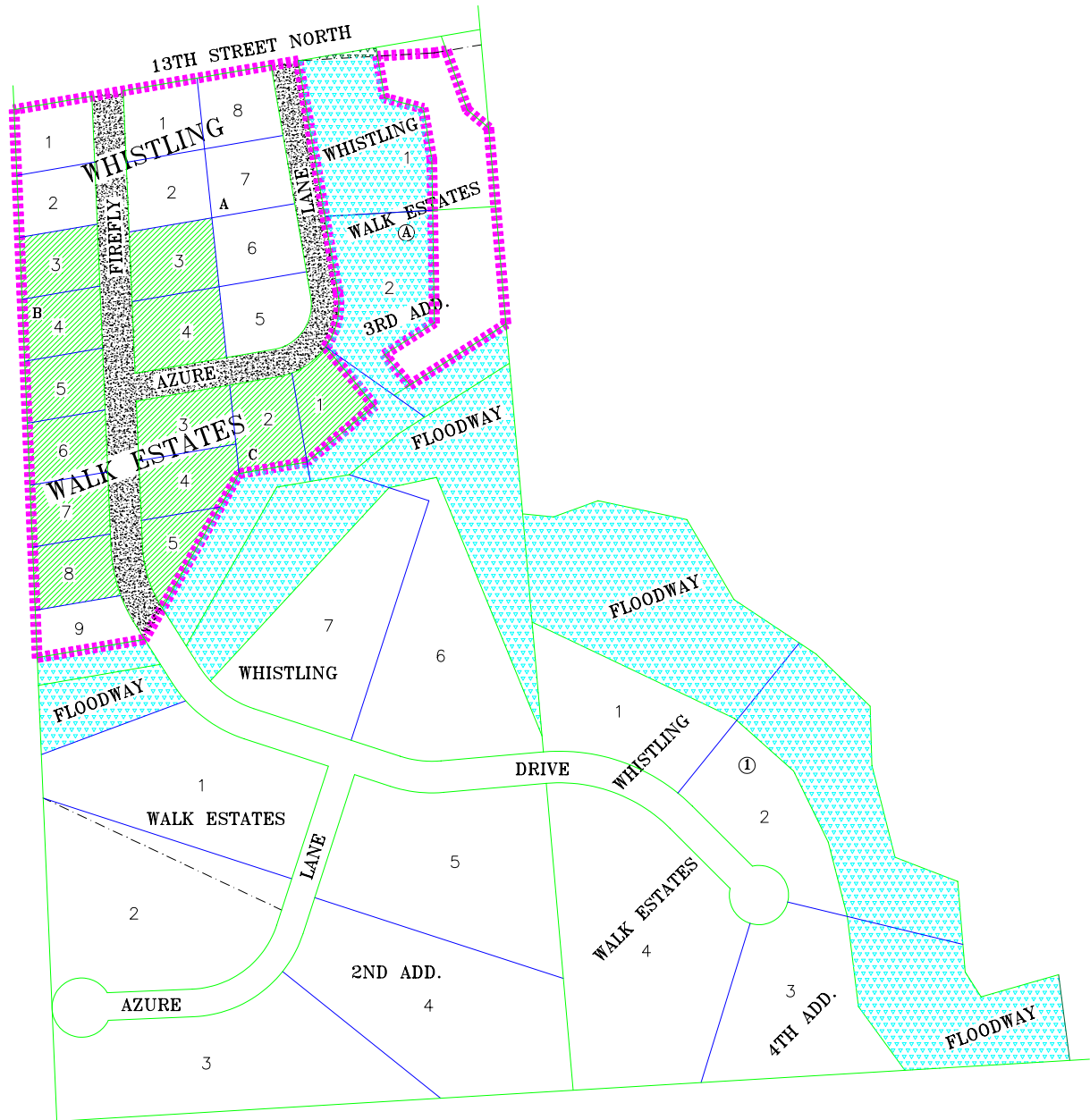
# PROPOSED PAVING OF AZURE AND FIREFLY LANES



IMPROVEMENT DISTRICT BOUNDARY  
PROPOSED PAVEMENT  
AREA SIGNED (41.15%)  
RESIDENT OWNERS SIGNED (51.92%)



# PROPOSED PAVING OF AZURE AND FIREFLY LANES

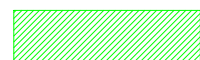


IMPROVEMENT DISTRICT BOUNDARY

PROPOSED PAVEMENT

AREA SIGNED (49.31%)

RESIDENT OWNERS SIGNED (59.46%)





Estimated assessments for paving Firefly & Azure.									09/07/04
Key No.	Property Owner	Property Address	Legal Description	Area (sq. ft.)	Area Signed	Resident Owners	Res. Own Signed	Estimated Assessment*	Annual Payment**
<b>WHISTLING WALK ESTATES</b>									
D-56790	Alex J & Robyn Sue Soerries	1350 N Firefly Dr	Lot 1, Block A	35,240		2		\$14,647	\$1,175
D-56791	Charlotte Pate	1334 N Firefly Dr	Lot 2, Block A	36,248		1		\$14,647	\$1,175
D-56792	Melvin W & Shirley A Smith	1318 N Firefly Dr	Lot 3, Block A	38,209	38,209	2	2	\$14,647	\$1,175
D-56793	Gareth D & Joan M Smith	1300 N Firefly Dr	Lot 4, Block A	41,345	41,345	2	2	\$14,647	\$1,175
D-56794	Donna J Hall 300 Decker Dr #30 Irving TX 75062	1301 N Azure	Lot 5, Block A	38,544		NR		\$14,647	\$1,175
D-56795	Larry D Ashley Etux P.O. Box 12431 Wichita KS 67277	1317 N Azure	Lot 6, Block A	38,234		2		\$14,647	\$1,175
D-56796	Corey James & Jennifer Lynn	1333 N Azure	Lot 7, Block A	36,263		2		\$14,647	\$1,175
D-56797	Herbert L & Debbie S Halsig	1349 N Azure	Lot 8, Block A	35,244		2		\$14,647	\$1,175
D-56798 & D-56799	Kenneth J & Ruby Ast Etal	1333 N Firefly Dr	Lots 1 & 2, Block B	64,272		2		\$29,294	\$2,351
D-56800	Thomas D & Yvette Emerson	1317 N Firefly Dr	Lot 3, Block B	31,144	31,144	2	2	\$14,647	\$1,175
D-56801	Marcel C & Denise K Brown	1301 N Firefly Dr	Lot 4, Block B	31,144	31,144	2	2	\$14,647	\$1,175
D-56802	Bradford J & Cathy M Knott	1269 N Firefly Dr	Lot 5, Block B	31,144	31,144	2	2	\$14,647	\$1,175
D-56803	Lou R Sheets Rev Liv Tr	1249 N Firefly Dr	Lot 6, Block B	31,144	31,144	1	1	\$14,647	\$1,175
D-56804	Thomas R Kruse Etux	1233 N Firefly Dr	Lot 7, Block B	31,144	31,144	2	2	\$14,647	\$1,175
D-56805	EdwardD J & Bettina C Clupny	1217 N Firefly Dr	Lot 8, Block B	32,582	32,582	2	2	\$14,647	\$1,175
D-56806	Eldon J Schierling Etux	1201 N Firefly Dr	Lot 9, Block B	29,211		2		\$14,647	\$1,175
D-56807	Candice A Bevan & John M Harris	1259 N Azure	Lots 1 & 2, Block C	69,670	69,670	2	2	\$29,294	\$2,351
D-56808	John W & Gaylene P Schommer	1248 N Firefly Dr	Lot 3, Block C	36,710	36,710	2	2	\$14,647	\$1,175
D-56809	Ralph L Hudson Etal	1232 N Firefly Dr	Lot 4, Block C	36,016	36,016	1	1	\$14,647	\$1,175
D-56810	Allen L & Mary C Goodwin	1216 N Firefly Dr	Lot 5, Block C	25,632	25,632	2	2	\$14,647	\$1,175
<b>WHISTLING WALK ESTATES 2ND ADDITION</b>									
D-56811	Scott C & Marcia K Alter	1159 N Firefly Dr	Lot 1 & that part of Lot 2 beginning at the NW corner; SE to the NE corner, SE 83.04' NW to the beginning.	215,101	215,101	2	2	\$31,957	\$2,564
D-56812	Marino G & Kimberly C Garci	1101 N Azure	Lot 2 except beginning at the NE corner of Lot 2 thence NW along the N line 662.26' to the NW corner SELY 667.45' to a point 83.04' S of the NE corner NLY along the E line to the beginning.	188,822		2		\$31,957	\$2,564
D-56813	David L Becker	1100 N Azure	Lot 3	214,093		1		\$31,957	\$2,564
D-56814 & D-56815	Kathleen S Shumaker Trust	1120 N Azure	Lots 4 & 5	441,937	441,937	1	1	\$63,914	\$5,129
D-56816	Randall L & Cynthia L Shaffer	1150 N Firefly Dr	Lot 6	183,930		2		\$31,957	\$2,564
D-56817	Daniel S & Shanna L Palecki	1160 N Firefly Dr	Lot 7	160,294		2		\$31,957	\$2,564
<b>WHISTLING WALK ESTATES 3RD ADDITION</b>									
D-56818 & D-56819	D Anna & Frank B Kunselman	1300 N Azure	Lot 1 except that part deeded to the City & Lot 2, Block A	134,885		2		\$29,294	\$2,351
<b>WHISTLING WALK ESTATES 4TH ADDITION</b>									
D-56820	Jim & Renee D Selenke	1050 N Firefly Cr	Lot 1, Block 1	113,001	113,001	2	2	\$31,957	\$2,564
D-56821	Paul E Kelsey	1022 N Firefly Cr	Lot 2, Block 1	96,480		1		\$31,957	\$2,564
D-56822 & D-56823	Donald L & Marilyn P Klausmeyer	1035 N Firefly Cr	Lots 3 & 4, Block 1	433,023		2		\$63,914	\$5,129
				Total:	2,930,706	1,205,923	52	27	\$703,056
Abbreviations:									
etal. = and others									
etux. = and wife									
etvir. = and husband									
nr = non resident									

Estimated assessments for paving Firefly & Azure.									09/07/04
Key No.	Property Owner	Property Address	Legal Description	Area (sq. ft.)	Area Signed	Resident Owners	Res. Own Signed	Estimated Assessment*	Annual Payment**
	* Estimated assessment for street construction excluding Drive Approach (if applicable), inflation, and/or temporary financing.								
	** Estimated Annual escrow payment based on 5% bond sale rate, and spread over 20 years								
	<b>BREAKDOWN OF PROJECT COSTS</b>								
	Amount assessed to the improvement district			\$703,056					
	Add: City Share for Intersections (3%)			\$21,744					
	Add: Estimated driveway costs***			\$43,200					
	Total Estimated project cost			\$768,000					
	*** Driveway approach costs are assessed to individual properties based on the actual size of drive approach requested. Driveway approach costs are in addition to the estimated assessment shown for the street construction.								

Estimated assessments for paving Firefly & Azure.									09/07/04
Key No.	Property Owner	Property Address	Legal Description	Area (sq. ft.)	Area Signed	Resident Owners	Res. Own Signed	Estimated Assessment*	Annual Payment**
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D-56792	Melvin W & Shirley A Smith	1318 N Firefly Dr	Lot 3, Block A	38,209	38,209	2	2	\$14,388	\$1,155
D-56793	Gareth D & Joan M Smith	1300 N Firefly Dr	Lot 4, Block A	41,345	41,345	2	2	\$14,388	\$1,155
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D-56803	Lou R Sheets Rev Liv Tr	1249 N Firefly Dr	Lot 6, Block B	31,144	31,144	1	1	\$14,388	\$1,155
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<b>WHISTLING WALK ESTATES 3RD ADDITION</b>									
D-56818 & D-56819	D Anna & Frank B Kunselman	1300 N Azure	Lot 1 except that part deeded to the City & Lot 2, Block A	134,885		2		\$28,777	\$2,309
			Total:	884,025	435,884	37	22	\$345,320	
Abbreviations:									
etal. = and others									
etux. = and wife									
etvir. = and husband									
nr = non resident									
* Estimated assessment for street construction excluding Drive Approach (if applicable), inflation, and/or temporary financing.									
** Estimated Annual escrow payment based on 5% bond sale rate, and spread over 20 years									
<b>BREAKDOWN OF PROJECT COSTS</b>									
Amount assessed to the improvement district \$345,320									
Add: City Share for Intersections (3%) \$10,680									
Add: Estimated driveway costs*** \$30,000									
Total Estimated project cost \$386,000									
*** Driveway approach costs are assessed to individual properties based on the actual size of drive approach requested. Driveway approach costs are in addition to the estimated assessment shown for the street construction.									